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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,198	10/19/2001	Noriko Sugimoto	B422-170	3545
26272 7590 09/25/2007 COWAN LIEBOWITZ & LATMAN P.C. JOHN J TORRENTE 1133 AVE OF THE AMERICAS NEW YORK, NY 10036			EXAMINER BOYCE, ANDRE D	
			ART UNIT 3623	PAPER NUMBER
			MAIL DATE 09/25/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/007,198

Applicant(s)

SUGIMOTO, NORIKO

Examiner

Andre Boyce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-7 and 11-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 23, 2007 has been entered.
2. Claims 11-13 have been amended. Claims 2-7 and 11-14 are pending.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 2, 3, 5-7 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fawcett et al (USPN 5,678,002), in view of in view of Phung et al (US 2002/0007237).

As per claim 2, Fawcett et al disclose analysis means for analyzing information about the trouble in the product (i.e., PSS 38 commands a remote diagnostic agent 50 on customer's computer 40 to execute a diagnostic application, column 10, lines 28-32); and search means for searching for the operation for resolving the trouble in the product on the basis of the result of

said analysis (i.e., automatically sniff around customer's computer in order to gather diagnostic data and help troubleshoot, column 10, lines 44-47).

As per claim 3, Fawcett et al disclose analysis by said analysis means is performed on the side of a user using the product (i.e., PSS 38 commands a remote diagnostic agent 50 on customer's computer 40 to execute a diagnostic application, column 10, lines 28-32).

As per claim 5, Fawcett et al does not disclose management means for managing a guarantee period of the product, wherein said cost depends on the managed guarantee period. Phung et al discloses the product manufacturer absorbing all the costs related to troubleshooting and resolving failures covered by a warranty (§ 0005). Both Fawcett and Phung are concerned with conducting product diagnosis over an electronic network, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include managing a guarantee period of the product (i.e., warranty), wherein said cost depends on the warranty in Fawcett, as seen in Phung, thereby determining when the customer does not have to incur diagnostic and troubleshooting costs, as seen in Phung. As a result, the customer service in Fawcett et al is improved, since the cost to the customer may be reduced.

As per claim 6, Fawcett et al disclose management means for managing information about specifications of the product (i.e., device manager diagnostic allows PSS engineer to retrieve the properties and characteristics of all

hardware devices attached to computer, column 12, lines 48-50), wherein analysis by said analysis means depends on the managed information about the specifications (i.e., query a list of available devices and invoke device diagnostics, column 10, lines 35-36).

As per claim 7, Fawcett et al disclose storage means for storing contents of the operation actually performed to resolve the trouble in the product or results of the operation (i.e., the diagnostic interpreter remains in memory on the PSS side, column 11, lines 20-23 and 28-31).

As per claim 11, Fawcett et al disclose a trouble management system (i.e., product support center, including product support services (PSS) client/server messaging system, column 3, lines 60-62), comprising: first receiving means for receiving, through a network (i.e., common network protocol for passing data, column 4, lines 3-5), from a customer apparatus connected to a printer, trouble information of the printer (i.e., communications path established between the customer and the PSS, column 6, lines 4-9, wherein a remote diagnostic agent 50 on customer computer 40 can execute a resident diagnostic application and query, receive and update information about an attached printer, column 10, lines 28-32); first determining means for determining whether or not an inquiry is necessary, based on the contents of the trouble information received by said first receiving means (i.e., customer is asked a series of questions and product support center computer asks the customer's computer to transmit certain background/diagnostic information that

may be relevant to the problem, column 1, lines 50-59); second determining means for determining whether each of the customer apparatus and the printer has automatic diagnosis functions (i.e., the remote diagnostic agent 50 determines whether the customer computer 40 has a resident or downloaded diagnostic application, column 10, lines 30-33); transmitting means for transmitting the inquiry item relating to the printer to said customer apparatus (i.e., PSS 38 can command remote diagnostic agent to query, receive and update information about the printer, column 10, lines 35-38), if said first determining means determines that the inquiry is necessary (i.e., after review the product support engineer can query the customer's computer/printer for additional information, column 2, lines 3-5) and if said second determining means determines that none of the customer apparatus and the printer have the automatic diagnosis functions (i.e., the remote diagnostic agent 50 determines whether the customer computer 40 has a resident or downloaded diagnostic application, column 10, lines 30-33); diagnosing means for diagnosing the printer, in accordance with the response received by said second receiving means (i.e., diagnostic application, column 10, lines 28-30).

Fawcett et al does not explicitly disclose second receiving means for receiving, from said customer apparatus, a response which is input to said customer apparatus on the basis of the inquiry item transmitted by said transmitting means.

Phung et al disclose data collection 50 in order to determine diagnostic data from system 400 (§ 0052), and a call routine invoked to get diagnostic data from the vehicle system (i.e., receiving, from said customer apparatus, a response, § 0052). Both Fawcett and Phung are concerned with conducting product diagnosis over an electronic network. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include receiving, from said customer apparatus, a check result which is input to said customer apparatus on the basis of the check item transmitted in Fawcett et al, as seen in Phung et al, thus efficiently determining the cause and solution of a encountered problem, thereby making Fawcett et al more robust.

Claim 12 is rejected based upon the same rationale as the rejection of claim 11, since it is the method claim corresponding to the system claim.

Claim 13 is rejected based upon the same rationale as the rejection of claim 11, since it is the storage medium claim corresponding to the system claim.

As per claim 14, Fawcett et al disclose diagnosis possibility determining means for determining whether or not a diagnosis is possible (i.e., execution of resident or downloaded diagnostic application, wherein the results indicate that no trouble exists, column 10, lines 30-32, wherein diagnostic actions completed on the customer's computer are documented in a transaction log, column 11, lines 20-23); additional determination means for determining whether or not a further inquiry is necessary, if the diagnosis possibility determining means determines that the

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diagnosis is not possible (i.e., execution of resident or downloaded diagnostic application, wherein the results indicate that no trouble exists, column 10, lines 30-32, wherein diagnostic actions completed on the customer's computer are documented in a transaction log, column 11, lines 20-23); and additional transmission means for transmitting a further inquiry item to the customer apparatus, if the additional determination means determines that the further inquiry is necessary (i.e., the diagnostic interpreter's callback function parses the message, interprets the data and displays the result of the PSS engineer, column 9, lines 27-30, including the knowledge base diagnostic, column 14, lines 58-67).

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fawcett et al (USPN 5,678,002), in view of Skaaning et al (USPN 6,535,865).

As per claim 4, Fawcett et al does not explicitly disclose said notice means sends a notice of a cost or a time required for the operation. Skaaning et al disclose estimating the cost of actions as a combination of multiple factors, including time to perform the action (column 21, lines 1-5). Both Fawcett and Skaaning are concerned with effective troubleshooting via a customer computer, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include sending notice of a cost in Fawcett, as seen in Skaaning, in order to determine which is the optimal step to perform (see Skaaning, column 21, lines 1-3), thus improving the efficiency in Fawcett.

Response to Arguments

6. In the Remarks, Applicant argues that Fawcett et al and Phung et al fail to teach or suggest first determining means for determining whether or not an inquiry is necessary, based on the contents of the trouble information received by said first receiving means; second determining means for determining whether each of the customer apparatus and the printer has automatic diagnosis functions; and transmitting means for transmitting the inquiry item relating to the printer to said customer apparatus, if said first determining means determines that the inquiry is necessary and if said second determining means determines that none of the customer apparatus and the printer have the automatic diagnosis functions. The Examiner respectively disagrees. After further consideration of the cited references, based upon Applicant's amendments to the claims, the Examiner submits that Fawcett et al indeed teaches Applicant's amended claim language.

Specifically, Fawcett et al disclose first determining means for determining whether or not an inquiry is necessary, based on the contents of the trouble information received by said first receiving means (i.e., customer is asked a series of questions and product support center computer asks the customer's computer to transmit certain background/diagnostic information that may be relevant to the problem, column 1, lines 50-59); second determining means for determining whether each of the customer apparatus and the printer has automatic diagnosis functions (i.e., the remote diagnostic agent 50 determines whether the customer computer 40 has a resident or downloaded diagnostic application, column 10, lines 30-33);

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transmitting means for transmitting the inquiry item relating to the printer to said customer apparatus (i.e., PSS 38 can command remote diagnostic agent to query, receive and update information about the printer, column 10, lines 35-38), if said first determining means determines that the inquiry is necessary (i.e., after review the product support engineer can query the customer's computer/printer for additional information, column 2, lines 3-5) and if said second determining means determines that none of the customer apparatus and the printer have the automatic diagnosis functions (i.e., the remote diagnostic agent 50 determines whether the customer computer 40 has a resident or downloaded diagnostic application, column 10, lines 30-33). In addition, Fawcett et al disclose a network (i.e., common network protocol for passing data, column 4, lines 3-5).

Conclusion

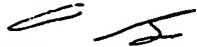
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571) 272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

adb
September 20, 2007


ANDREW BOYCE
PATENT EXAMINER
A.U. 3623